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UNITED STATES MAGISTRATE COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. 3 05 70421
Plaintiff,	)	
v.	)	
JOSE MARIA DELGADO FAJARDO,	)	
Defendant.	)	

[PROPOSED] ORDER AND  
STIPULATION FOR CONTINUANCE  
FROM JULY 11, 2005 TO AUGUST 1,  
2005 AND EXCLUDING TIME FROM  
THE SPEEDY TRIAL ACT  
CALCULATION (18 U.S.C. §  
3161(h)(8)(A)) AND WAIVING TIME  
LIMITS UNDER RULE 5.1

With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling an arraignment or preliminary hearing date of August 1, 2005 at 9:30A.M. before the duty magistrate judge, and documenting the defendant's waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from July 11, 2005, to August 1, 2005. The parties agree, and the Court finds and holds, as follows:

1. The defendant has been released on a bond.
2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) to provide reasonable time necessary for effective preparation, taking into account the exercise of due diligence.
3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for

1 preliminary hearing.

2 4. Counsel for the defense believes that postponing the preliminary hearing is in his  
3 client's best interest, and that it is not in his client's interest for the United States to indict the  
4 case during the normal 20-day timeline established in Rule 5.1.

5 5. The Court finds that, taking into the account the public interest in the prompt  
6 disposition of criminal cases, these grounds are good cause for extending the time limits for a  
7 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,  
8 the Court finds that the ends of justice served by excluding the period from July 11, 2005 to  
9 August 1, 2005, outweigh the best interest of the public and the defendant in a speedy trial. §  
10 3161(h)(8)(A).

11 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary  
12 hearing date before the duty magistrate judge on August 1, 2005, at 9:30A.M., and (2) orders that  
13 the period from July 11, 2005 to August 1, 2005 be excluded from the time period for  
14 preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act  
15 calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

16  
17 IT IS SO STIPULATED:

18  
19 DATED: 7/22/05

/S/ Tom Pier  
TOM PIER  
Attorney for Defendant

20  
21  
22 DATED: 7/23/05

/S/ Robert D. Rees  
ROBERT DAVID REES  
Assistant United States Attorney

23  
24  
25 IT IS SO ORDERED.

26  
27 DATED: 8/2/05

  
EDWARD M. CHEN  
United States Magistrate Judge